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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,037	02/20/2004	Kinya Ozawa	9319S-406DVA	1669
27572	7590	12/29/2004	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			RUDE, TIMOTHY L	
P.O. BOX 828			ART UNIT	
BLOOMFIELD HILLS, MI 48303			PAPER NUMBER	
			2883	

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/784,037

Applicant(s)

OZAWA ET AL.

Examiner

Timothy L Rude

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2004.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-8 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☒ Certified copies of the priority documents have been received in Application No. 10/255,121.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20040220.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of species D (claims 1-8) in the reply filed on 13 October 2004 is acknowledged. The traversal is on the ground(s) that species are so related that no undue burden would be placed upon the examiner.

This is not found persuasive because the elected species is required to establish a determination as to patentability over copending applications. Applicant is advised that the base claim of the instant application must contain sufficient limitations to be considered patentably distinct from copending applications, 10/255,121, 10/255,145, and 10/775,893 in order to avoid a double patenting rejection. Specific language sufficient to preclude a double patenting rejection is dependent upon changes made to copending applications, as they are all still in prosecution and subject to change.

The requirement is still deemed proper and is therefore made FINAL.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a) because they fail to show a single reflective region per Figures 3A and 6A.

Figures 3B and 6B show two reflective regions as opposed to a single reflective region as described in the specification and per Figure 3A and 6A respectively.

Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing

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sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double

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patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/255,121. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claim is so broad as to be considered not patentably distinct from a transfective liquid crystal display device as claimed comprising: a substrate that includes a light-reflecting layer defining reflective display regions in pixel regions where the first transparent electrodes oppose the second transparent electrodes and transmissive display regions in the regions of the pixel regions other than the reflective display regions; a thickness-adjusting layer setting the thickness of the liquid crystal layer in the reflective display regions to be smaller than the thickness of the liquid crystal layer in the transmissive display regions; and the first transparent electrodes, *in that order*, in the upward direction, and wherein, at the boundary between each reflective display region and transmissive display region, slopes formed at ends of the thickness-adjusting layer substantially overlap with edges of the light-reflecting layer in plan view.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/255,145. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claim is so broad as to be considered not patentably distinct from a transfective liquid crystal display device as claimed comprising: a substrate that includes a light-reflecting layer defining reflective display regions in pixel regions where the first transparent electrodes oppose the second transparent electrodes and transmissive display regions in the regions of the pixel regions other than the reflective display regions; a thickness-adjusting layer setting the thickness of the liquid crystal layer in the reflective display regions to be smaller than the thickness of the liquid crystal layer in the transmissive display regions; and the first transparent electrodes, *in that order*, in the upward direction, and wherein, at the boundary between each reflective display region and transmissive display region, slopes formed at ends of the thickness-adjusting layer substantially overlap with edges of the light-reflecting layer in plan view.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/775,893. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claim is so broad as to be

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considered not patentably distinct from a transfective liquid crystal display device as claimed comprising: a substrate that includes a light-reflecting layer defining reflective display regions in pixel regions where the first transparent electrodes oppose the second transparent electrodes and transmissive display regions in the regions of the pixel regions other than the reflective display regions; a thickness-adjusting layer setting the thickness of the liquid crystal layer in the reflective display regions to be smaller than the thickness of the liquid crystal layer in the transmissive display regions; and the first transparent electrodes, *in that order*, in the upward direction, and wherein, at the boundary between each reflective display region and transmissive display region, slopes formed at ends of the thickness-adjusting layer substantially overlap with edges of the light-reflecting layer in plan view.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

References cited but not applied are relevant to the instant Application.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L Rude whose telephone number is (571) 272-2301. The examiner can normally be reached on Monday through Thursday.

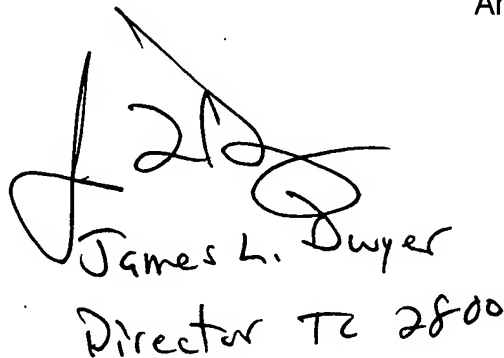
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



tlr

Timothy L Rude  
Examiner  
Art Unit 2883



James L. Dwyer  
Director TC 2800